



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,055	12/12/2003	Daniel V. Wilder	02-5027	4604
<div>7590 10/10/2007</div> <div>Edward M. Livingston 963 Trail Terrace Drive Naples, FL 34103</div> <div>EXAMINER MISIASZEK, MICHAEL</div> <div>ART UNIT 3625 PAPER NUMBER</div> <div>MAIL DATE 10/10/2007 DELIVERY MODE PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/735,055	Applicant(s) WILDER ET AL.	
	Examiner Michael Misiaszek	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/12/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, 5, 9, 13-18, 19-21, 25, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf (US 6985875 B1) in view of Calia (US 5450504).

Regarding Claims 1, 2

Wolf discloses an event-photo-retrieval system comprising:

- an event camera that includes a digital camera being articulated for generating photographs selectively (at least column 4, lines 53-67)
- a central database for storing photographs taken using the event camera (at least abstract: computer network server)
- an event-photograph selector being articulated for an event attendee's retrieval selection of event photographs which can include attendee-group photographs that are photographs of the event attendee and one or more other members of the event group, event-group photographs which include photographs of one or more other members of the event group, event-scenery photographs which include photographs of event scenery, group-object photographs which include photographs of event objects and one or more other attendees, and attendee-

Art Unit: 3625

object photographs which include photographs of event objects and the event attendee selectively (at least abstract: event photographs selected)

- a purchase terminal being articulated for attendee actuation of an attendee's electronic-card purchase of any of the event photographs selected by the attendee (at least column 5, lines 1-11)
- a data-terminal camera that includes a digital camera being articulated for generating an attendee photograph of an event attendee's facial vicinity that includes quantized gestalt features that are identifiable for programmed face recognition software and appended by attendee personal information of an event attendee (at least abstract: camera used to take pictures)
- the attendee photograph appended by the attendee personal information being digitized and transmitted to a central database for being utilized by an event camera, by an event-photograph selector and by a purchase terminal (at least abstract: identifying data associated with each photograph)

Art Unit: 3625

Wolf does not disclose the utilization of face recognition software or quantized gestalt features that are identifiable for programmed face recognition software. Calia teaches that it is known to include an image selector that utilizes face recognition software and quantized gestalt features (at least abstract: image matches based on face recognition using quantization of facial features) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Wolf with the image selection using face recognition, as taught by Calia, since such a modification would have provided increased flexibility and convenience in distributing digital photographs.

Regarding Claims 5, 9, 14

Wolf discloses:

- the central database is positioned proximate a host control area (at least abstract: computer network server)
- the event-photograph selector includes a computerized monitor that is programmed to present any attendee-event photographs for selection selectively (at least column 5, lines 12-21: photographs displayed on web site)
- the purchase-terminal includes a business facility which can be wherever the event host chooses for starting and ending an event for attendance by the event attendee (at least column 5, lines 1-11)

Art Unit: 3625

Regarding Claim 13

Calia discloses:

- a data-terminal camera which can be wherever the event host chooses for starting and ending an event for attendance by the event attendee (at least abstract: camera used to take photographs stored in database)

Regarding claims 15-18

Wolf discloses a method for event-photo retrieval comprising:

- photographing an event attendee with an event camera that includes a digital camera which is articulated for generating an attendee photograph of an event attendee's facial vicinity (at least abstract: camera takes photos of attendees)
- digitizing the event photograph (at least column 4, lines 53-67)
- transmitting the photographs to a central database for being utilized by the digital event camera, by an event-photograph selector and by a purchase terminal selectively (at least abstract: computer network server)
- compiling the event photographs (at least abstract: photos compiled on computer network server)

Art Unit: 3625

Wolf does not disclose:

- quantized gestalt features of the attendee that are identifiable for programmed face recognition software
- the quantized gestalt features of the attendee embedded digitally in the event photographs for distinguishing recognition of the event attendee from members of the event group for selection of event photographs containing the attendee photograph
- sectioning selected facial features of the event attendee, pictorially modifying the selected facial features within physical limits of the selected facial features of the event attendee, and compiling pictorial modifications of the selected features for detection of the selected facial features of the event attendee from facial features of other members of the event group digitally
- sectioning selected combinations of the facial features of the event attendee, pictorially modifying the selected combinations of the facial features within physical limits of the selected combinations of the facial features of the event attendee, and compiling pictorial modifications of the selected combinations of the features for detection of the selected combinations of the facial features of the event attendee from combinations of the facial features of other members of the event group digitally
- the face recognition software system includes known facial-recognition and identification-software systems

Art Unit: 3625

Calia teaches that it is known to include quantizing gestalt features to distinguish between facial images using known facial recognition software (at least abstract), and sectioning selected facial features (at least figure 2) and compiling modifications to facial images (at least column 1, lines 55-67: modifying digitized image by processing image data and associating it with the image) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Wolf with the image selection using face recognition through gestalt quantizing, as taught by Calia, since such a modification would have provided increased flexibility and convenience in distributing digital photographs

Regarding Claims 19-21

Wolf discloses:

- marketing the photographs to the event group by an event host for maximizing volume of attendee-purchased photographs (at least column 4, lines 7-21: photographs offered for sale)
- marketing the photographs to the event group includes marketing them to the event attendee (at least column 4, lines 7-21: photos offered to attendees)
- marketing the photographs to the event group by the event host includes providing for the event group a select compilation of the event photographs for selection of desired event photographs in accordance with the software system for purchasing the event photographs which may be desired by the members of

Art Unit: 3625

the event group individually (at least column 4, lines 7-21 of Wolf: photographs offered for sale)

- providing a method for contract for purchase of and payment for the event photographs by the members of the event group (at least figures 2-3: payment and ordering)

Regarding Claim 25

Wolf discloses:

- utilizing the event photographs by the event host for event management (at least abstract: photographs used by host to catalog event)

Art Unit: 3625

2. Claims 4, 6-8, and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Calia as applied above, and further in view of Kumhyr (US 20040001142 A1).

Wolf and Calia disclose the claimed invention except for:

- the data-terminal camera includes a hidden terminal camera for allowing event hosts to photograph event group activities and to photograph attendee activities at events with positive identification for monitoring events without observation by the attendee, for providing selection of photographs for the attendee and for other attendees as an unexpected benefit of financial returns from sales of photographs with public relations benefits and for utilizing the photographs for desired objectives that include keeping photographic records for government surveillance of events for national security and for crime prevention selectively as legally appropriate.
- the event camera includes a selected plurality of event cameras
- the event camera includes a hidden event camera
- the event camera includes a selected plurality of hidden event cameras
- the event management includes analyzing characteristics of individuals of the event group for crime-prevention and national-defense objectives of applicable governmental organizations selectively in cooperation with the event host
- the event management includes monitoring of effectiveness of event activities.

Art Unit: 3625

- the event management includes analyzing characteristics of individuals of the event group for business objectives of the event host.

Kumhyr teaches that it is known to include a plurality of hidden cameras (at least paragraph [0021]), which utilize face recognition software (at least paragraph [0027]) to analyze characteristics of individuals for purposes of crime prevention (at least abstract) and to monitor the effectiveness of event activities (at least abstract: monitor security) and analyzing characteristics of individuals for business objectives (at least abstract analyze facial features for security objectives) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the systems and methods, as taught by Wolf and Calia, with the hidden camera utilization of face recognition software to aid in crime prevention, since such a modification would have provided increased security and safety for hosted events.

Art Unit: 3625

3. Claims 10, and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Calia as applied above, and further in view of Shinkai (US 20020052753 A1).

Regarding Claims 10, 29

Wolf and Calia disclose:

- the event-photograph selector includes a computerized monitor that is programmed to present any attendee-event photographs by time of being photographed by the event camera for selection selectively (at least abstract of Wolf: event photographs selected)
- photographing of event attendees by an event host with an event camera that includes a digital camera which is articulated for generating photographs in accordance with an identification software system for recognizing and recovering event photographs in which the attendee photograph exists (at least abstract of Wolf: identifying data associated with each photograph)
- transmitting the photographs to a central database (at least abstract of Wolf: photos transmitted to computer network server)

Art Unit: 3625

Wolf and Calia do not disclose:

- the computerized monitor is programmed for selection of the attendee-event photographs for purchase by the event attendee by touch of the attendee photograph for selection of attendee-event photographs containing the touched attendee photograph
- utilizing the central database for the identification software system to provide selection of event photographs by touching the attendee photograph in any event photograph in which the attendee photograph exists

Shinkai teaches that it is known to include selecting photographs by touch (at least paragraph [0023]: images selecting by touching via touch panel) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the methods and systems, as taught by Wolf and Calia, with the selecting photos by touch, as taught by Shinkai, since such a modification would have provided increased convenience and ease of use of a photo ordering system.

Art Unit: 3625

Regarding Claims 30-33

Wolf discloses:

- marketing the photographs to the event group by an event host (at least column 4, lines 7-21: photographs offered for sale)
- marketing the photographs to the event group by the event host includes providing for the event group a select compilation of the event photographs for selection of desired event photographs in accordance with the software system for purchasing the event photographs which may be desired by the members of the event group individually (at least column 4, lines 7-21 of Wolf: photographs offered for sale)
- the method for contract for purchase of and payment for the photographs by the members of the event group includes a card-purchase machine for swiping purchase cards of the event group individually (at least figures 2-3: credit card purchases by each individual)
- utilizing the event photographs by the event host for event management (at least abstract: photographs used by host to catalog event)

Art Unit: 3625

4. Claims 11, 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Calia as applied above, and further in view of Ban.

Wolf and Calia disclose:

- the method for contract for purchase of and payment for the event photographs by the members of the event group includes a card-purchase machine for swiping purchase cards of the event group individually (at least figure 2: [212])

Wolf and Calia disclose the claimed invention except for:

- the event-photograph selector includes photograph copies that include selection-mark spaces for selecting the photograph copies and marking selection thereof in the selection-mark spaces by an attendee photograph of the event attendee.
- the method for contract for purchase of and payment for the event photographs by the members of the event group includes a compilation listing of the event photographs by identification insignia appended by selection-mark spaces
- the method for contract for purchase of and payment for the event photographs by the members of the event group includes conveying by the event host of the compilation listing to the event group at attendee locations for marking selections by the members of the event group in the selection-mark spaces and returning the compilation listing to the event host.

Art Unit: 3625

Ban teaches that it is known to include selecting photographs for purchase via marking selection-mark spaces and compiling a list of the photographs to provide to purchaser (at least abstract and figure 5) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the methods and systems, as taught by Wolf and Calia, with the selection-mark spaces, as taught by Ban, since such a modification would have provided more versatility in a photograph ordering environment.

Art Unit: 3625

5. Claims 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Calia and Shinkai as applied above, and further in view of Ban (US 20020198792 A1).

Wolf, Calia, and Shinkai disclose the claimed invention except for:

- the purchase-terminal includes an attendee location which is wherever the event attendee chooses to mark the selection-mark spaces for selecting the attendee-event photographs

Ban teaches that it is known to include selecting photographs via marking selection-mark spaces (at least figure 5) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the methods and systems, as taught by Wolf, Calia, and Shinkai, with the selection-mark spaces, as taught by Ban, since such a modification would have provided more versatility in a photograph ordering environment.

Art Unit: 3625

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Calia as applied above, and further in view of Kii et al. (US 20020099661 A1, hereinafter Kii).

Wolf and Calia disclose the claimed invention except for:

- the data-terminal camera includes a monitor interfaced with a touch-actuation camera that is actuated to photograph the event attendee by a predetermined touch of a camera-touch area.

Kii teaches that it is known to include controlling a camera via a touch screen (at least paragraph [0250]) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the methods and systems, as taught by Wolf, and Calia, with the touch screen camera control, as taught by Kii, since such a modification would have provided more versatility and control in a photographic or surveillance environment.

Art Unit: 3625

7. Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf in view of Calia and Shinkai as applied above, and further in view of Kumhyr.

Wolf, Calia, and Shinkai disclose the claimed invention except for:

- the event management includes analyzing characteristics of individuals of the event group for crime-prevention and national-defense objectives of applicable governmental organizations selectively in cooperation with the event host
- the event management includes monitoring of effectiveness of event activities.
- the event management includes analyzing characteristics of individuals of the event group for business objectives of the event host.

Art Unit: 3625

Kumhyr teaches that it is known to include a plurality of hidden cameras (at least paragraph [0021]), which utilize face recognition software (at least paragraph [0027]) to analyze characteristics of individuals for purposes of crime prevention (at least abstract) and to monitor the effectiveness of event activities (at least abstract: monitor security) and analyzing characteristics of individuals for business objectives (at least abstract analyze facial features for security objectives) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the systems and methods, as taught by Wolf, Calia, and Shinkai, with the hidden camera utilization of face recognition software to aid in crime prevention, since such a modification would have provided increased security and safety for hosted events.

Art Unit: 3625


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571) 272-6961. The examiner can normally be reached on 8:00 AM - 4:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael A. Misiaszek
Patent Examiner
9/28/2007


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600